

## REMARKS

This communication is responsive to the Office Action of December 23, 2005 in which the following objections were raised: [1-9] Claims 1-9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver et al (U.S. 5,745,458) and further in view of Broderson et al (U.S. 2002/0112226).

Applicant appreciates the Examiner's withdrawal of the Knight reference. Applicant also appreciates the Examiner's efforts in setting up a telephonic interview requested by the Applicant on April 4, 2006. The Applicant notes for the record, that scheduling conflicts interfered with such efforts, and that no interview took place.

The Applicant has amended Claims 1-3.

### **1-9. CLAIMS 1-10 REJECTED UNDER 35 U.S.C. 103(a):**

Claims 1-9 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Oliver et al (U.S. 5,745,458) and further in view of Broderson et al (U.S. 2002/0112226).

### **OLIVER**

The Examiner has characterized the Oliver reference as teaching a networked optical storage server: "...*configured to couple to the network for packet based communication with a plurality of users...; at least one memory coupled between the network module and the at least one optical storage media; and a processor coupled to the at least one volatile memory....*" (Office Action of December 23, 2005 at page 2).

The Applicant has reviewed the sections of the Oliver reference cited by the Examiner and the remainder of the Oliver specification and respectfully rejects said characterization of

the Oliver reference. The Oliver reference discloses an overlapped spin up process for an optical disk drive which may be part of a single drive or a juke box. Nowhere in the Oliver reference do the words 'network' or 'packet' appear. The connection between host processor and the optical disk drives in either the single drive or juke box is via a bus connection not a network connection. Thus no packet processing or network connection is involved. "*Host processor...may be any type of computer system such as a ...personal computer....data and commands are transferred between host processor ...and optical disk drive...via a small computer system interface (SCSI)....*" (Oliver at Col. 5, lines 55-62). Nowhere does the Oliver reference disclose a memory of any sort intermediate a network connection and an optical storage media for speeding up access to data. Indeed the Oliver reference after referencing in the Background of Invention section both non-moving and moving memory means as alternatives to one another never once mentions any non-optical memory in the detailed description of the preferred embodiments that follows. Indeed Oliver teaches away from a combination of optical and non-optical memories by identifying two and only two sources as contributing to data access speed in optical library systems, specifically disk selection and retrieval and loading. (Oliver at col. 2, lines 13-19). The Oliver disclosure then specifically dedicates itself to an optical disk drive system "*that has reduced spin-up sub-process time, thereby reducing the disk drive load process time....in optical disk drives and optical disk drive library systems.*" (Oliver at col. 3, lines 43-53).

The Applicant's claimed invention by contrast sets forth various combinations of non-optical memories intermediate a packet based network connection and an optical storage medium to speed up both read and write access to data stored on optical storage memories as follows:

"...at least one non-optical memory coupled between the network module and the at least one optical storage media for temporary storage of data packets received from corresponding ones of the plurality of users; and

*a processor coupled to the at least one non-optical memory and configured to coalesce in the non-optical memory related data packets from a corresponding file or datastream into a corresponding aggregate data packet and to write each corresponding aggregate data packet to the at least one optical storage media....” (Applicant’s Amended Independent Claim 1, emphasis added)*

*“...a hard drive coupled to the processor; and the processor further responsive to a cache policy selection by an administrative one of the users to cache on the hard drive, a cached copy of a selected one of:*

- directories of corresponding file structures stored on the at least one optical storage media;*
- directories and data stored on the at least one optical storage media;*  
*and*
- an archived copy of data on the at least one optical storage media, accessible after removal of the at least one optical storage media from the server;*

*thereby decreasing an amount of time required to provide the corresponding cached copy to the plurality of users.” (Applicant’s Dependent Claim 4, emphasis added).*

## **BRODERSON**

The Examiner has characterized the Broderon reference as teaching coalescing in volatile memory of multiple data packets each associated with a corresponding file or data stream received from the plurality of users into a single corresponding aggregate data packet and writing each data packet to the at least one optical storage media. (Office Action of December 23, 2005 at page 2). The Applicant respectfully rejects this characterization of the

Broderon reference. The Broderon reference discloses a Multimedia authoring software Application capable of burning Authored Movies directly onto a DVD. *“Thus the invention facilitates authoring of a DVD movie title by even an inexperienced author with context sensitive responsiveness to DVD consumer instructions and other DVD player-generated events.”* (Broderon at col 2. para 0017) Nowhere does the Broderon reference disclose network attached optical storage, nor intermediate memories for speeding read and write access to stored data by multiple users attached to same over a network. The cited paragraph of the Broderon reference speaks to the compiling of authored data and the burning of same onto a DVD and as such has nothing to do with the novel combinations of non-optical and optical memories for network server which are the subject of the Applicant’s claimed invention.

The Applicant respectfully submits, for the reasons presented above that the cited references neither singly or in combination teach or suggest the claimed combination in a network attached optical storage server of non-optical and optical memories found in each of the Applicant’s independent Claims 1, 5, 6 and 9. The Applicant also respectfully submits that the remaining claims, dependent on corresponding ones of either Independent Claims 1 or 6 are also not obvious in view of either or both the cited references for the reasons discussed above and for other reasons of independent significance.

The Applicant therefore respectfully requests that the rejection of remaining Claims 1-9 be withdrawn.

## CONCLUSION

In view of the above remarks, and the amendments to the Claims, Applicant respectfully submits that remaining Claims 1-9 have been placed in a condition for allowance, and requests that they be allowed. Early notice to this effect is solicited.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 50-1338 (Docket No. AXISP001).

Respectfully submitted,

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